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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,264	04/21/2004	Takeshi Wada	252083US3	4835

22850 7590 02/06/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/828,264

Applicant(s)

WADA ET AL.

Examiner

Christopher R. Magee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed, after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9-17, 22-25 and 30-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 18-21 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/04; 9/28/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species A directed to Figs. 2-10b in the reply filed on 01/16/2007 is acknowledged. However, the Applicant was advised in the Office Action, dated 12/15/2006, that "a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added." MPEP § 809.02(a). Therefore, the Examiner will examine claims 1-8, 18-21 and 26-29, which are readable on the elected species.

2. Claims 9-17, 22-25 and 30-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/16/2007.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

4. The information disclosure statement(s) (IDS) submitted on 4/21/04 and 9/28/06 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

*Specification*

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 1-8, 18-21 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication JP 60-116668 in view of Traskos et al. (hereinafter Traskos) (US 6,574,075 B2).

- Regarding claims 1-4, 18-20 and 26-28, JP 60-116668 shows a head gimbal assembly [Figs. 2(a-c)], comprising:

a suspension including a multilayered plate member formed by at least three layers laminated together, both side edges of only a part of the layers of said multilayered plate member within a stiffness required region being bent to form ribs; and

a head slider with at least one head element, said head slider being mounted on said suspension [Figs. 2(a-c)].

JP 60-116668 is silent regarding the modulus of elasticity of neighbor layers of said at least three layers being different from each other.

Referring to claims 1, 5, 18, 21, 26 and 29 and in the same field of endeavor, Traskos discloses a suspension including a multilayered plate member formed by at least three layers laminated together (i.e., a liquid crystal polymer film disposed between ASTM 302 stainless steel and ASTM C7025 copper alloy foil to form a stack) , [col. 6, lines 41-44]. It is well known in the art that these aforementioned materials have different degrees of moduli of elasticity based upon individual material characteristics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the multilayered suspension member of JP 60-116668 with the materials cited by Traskos.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the multilayered suspension member of JP 60-116668 with the materials cited by Traskos such that the load beam can have localized bend and flex, and have excellent hygrothermal properties [*Traskos*; col. 2, lines 43-45].

- Referring to claims 6-8, both JP 60-116668 and Traskos do not disclose multiple metal (i.e., more than 3) or resin (i.e., more than 2) layers. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the multilayered suspension member of JP 60-116668 and Traskos with multiple metal (i.e., more than 3) or resin (i.e., more than 2) layers.

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The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the multilayered suspension member of JP 60-116668 and Traskos with multiple metal (i.e., more than 3) or resin (i.e., more than 2) layers in order to duplicate parts for a multiplied effect. *St. Regis Paper Co. v. Bemis Co., Inc.* 193 USPQ 8, 11 (7<sup>th</sup> Cir. 1977).

### ***Conclusion***


7. The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure has been annotated on PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christopher R. Magee  
Patent Examiner  
Art Unit 2627

February 1, 2007  
crm

  
**TAN DINH**  
**PRIMARY EXAMINER**

2/02/07